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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,033	11/21/2003	Christopher L. Gerding	117018-00003	2836

7590 01/25/2007
Peter R Martinez
P O Box 131313
Carlsbad, CA 92013

EXAMINER

KARKHANIS, AASHISH

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/719,033	Applicant(s) GERDING, CHRISTOPHER L.	
	Examiner Aashish Karkhanis	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/1/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 15 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 15, 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 9, 15, 22 – 28 and 30 – 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Retrogames X-Arcade Review

http://web.archive.org/web/20020212111524/www.retrogames.com/xarcade_review.htm

I.

Regarding Claims 15 and 26, Retrogames discloses a video game cabinet apparatus including a housing having a support for a video monitor therein (p. 1, The Package; where a video game apparatus has a cabinet holding a video game controller and has support for outputting control data to a video game system including a monitor) and a control module communicating with the video monitor and comprising an arcade control for a video game, the control module structured to be compatible for use with a plurality of different video game systems (p. 1, Introduction; where an X-Arcade has support for multiple console systems).

Regarding Claim 22, Retrogames discloses a video game control system including at least one controller (p. 4, Conclusion, where a controller image is provided), and a control device interconnected to the controller by which operation of the video

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game control system may be controlled to play selectively from at least two different video game systems (p. 3, Hardware).

Regarding Claim 30, Retrogames discloses an apparatus including a control module comprising an arcade control for a video game, the control module structured to be compatible for use with a plurality of video game systems selected from the group consisting of: a MICROSOFT XBOX, a SONY PLAYSTATION, a PC-based computer system, a MACINTOSH computer system, and a combination of two or more thereof (p. 3, Hardware).

Regarding Claim 9, Retrogames discloses a video game apparatus including a switching system structured to allow a user to select which of the plurality of different video game systems are to be operated (p. 4, Conclusion; Adapter System).

Regarding Claims 23 – 24 and 27, Retrogames discloses a video game control system where the at least two different video game systems is selected from the group consisting of: a MICROSOFT XBOX, a SONY PLAYSTATION, a PC-based computer system, a MACINTOSH computer system, and a combination of two or more thereof (p. 3, Hardware).

Regarding Claims 25, 28 and 31, Retrogames discloses a video game apparatus where the arcade control comprises at least one element selected from the group consisting of: a button, a joystick, and a combination of two or more thereof (p. 4, Conclusion, where a controller image is provided with buttons and joysticks).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Retrogames in view of Willner et al. (U.S. Patent 5874,906).

Regarding Claim 21, Retrogames discloses an apparatus including a switch device to selectively switch between different video game systems, wherein transmission associated with each prospective game system will not interfere with transmission of other game systems (p. 3, Hardware; where a game controller switching system disconnects a controller from one system and connects it to another, eliminating interference). Retrogames does not disclose a wireless game controller link. However, Willner teaches a wireless controller link (col. 9, lins. 8 – 12) in order to increase comfort for a player and eliminate tangled cords. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the wired game controller with no interference of Retrogames with the wireless game controller of Willner in order to increase comfort for a player and eliminate tangled cords.

Regarding Claim 29 and 32, Retrogames discloses an apparatus where the control module communicates with the plurality of video game systems (p. 3, Hardware). But does not disclose wireless communication. However, Willner teaches wireless communication between a game controller and a game system where the wireless communication is accomplished by an element selected from the group

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consisting of: a radio frequency (RF) transmitter and receiver, and an infrared (IR) transmitter and receiver (col. 9, lins. 8 – 12), in order to increase comfort for a player and eliminate tangled cords. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the wired game controller with no interference of Retrogames with the wireless game controller of Willner in order to increase comfort for a player and eliminate tangled cords.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

X-Arcade, Techtv. 11/12/2001.
<http://web.archive.org/web/20020210014103/www.techtv.com/screensavers/shownotes/story/0,24330,3360142,00.html>

X-Arcade, Retrogames. 12/24/2001.
<http://web.archive.org/web/20020202010023/www.retrogames.com/122001.html>

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

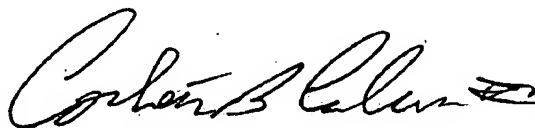
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn". The signature is fluid and cursive, with a stylized "C" at the beginning and a flourish at the end.

CORBETT B. COBURN
PRIMARY EXAMINER